

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EMSAT ADVANCED GEO-LOCATION TECHNOLOGY, LLC)	CASE NO. 4:08 CV 00822
)	
)	
and)	
)	
LOCATION BASED SERVICES LLC,)	
)	
Plaintiffs,)	JUDGE JOHN R. ADAMS
v.)	
)	
)	
AT&T MOBILITY LLC f/k/a)	
CINGULAR WIRELESS LLC,)	
)	
Defendant.)	

**RESPONSE OF AT&T MOBILITY LLC IN OPPOSITION TO
PLAINTIFFS' MOTION FOR LEAVE TO FILE SURREPLY**

The Court should deny plaintiffs' request for leave to file a surreply brief for two reasons. First, AT&T Mobility's reply brief simply responded to the arguments made in plaintiffs' response. No "new" arguments were made. Second, the submission of plaintiffs' surreply brief together with their motion for leave violated the governing case management plan, which clearly states that "[n]o surreplies will be permitted absent advance leave of Court." *Amended Case Management Plan*, ¶9 (October 31, 2008) (Filing No. 29) (emphasis in original).

In the event that plaintiffs are permitted to submit their surreply, AT&T Mobility respectfully requests leave to file a short (three pages or less) response.

Dated: April 9, 2009

Respectfully submitted,

By: /s/ Jennifer B. Wick

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CERTIFICATE OF SERVICE

I certify that on April 9, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Jennifer B. Wick
One of the Attorneys for Defendant
AT&T Mobility LLC

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